

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #4	CCRB Case #: 201808925	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 10/20/2018 3:00 PM	Location of Incident: § 87(2)(b)	Precinct: 07	18 Mo. SOL 4/20/2020	EO SOL 12/5/2020	
Date/Time CV Reported Fri, 10/26/2018 3:27 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/26/2018 3:27 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Crystal Jackson	04829	949134	007 PCT
2. SGT Michael Straniere	02385	933391	007 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Hang Xu	08031	953584	007 PCT
2. POM Jason Kane	22240	952918	007 PCT
3. POM Sam Zitomer	06520	964853	007 PCT
4. POM Francisco Cardona	02358	936304	007 PCT
5. POM Manuel Reyes	30929	939749	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Straniere	Abuse: Sergeant Michael Straniere entered § 87(2)(b) § 87(2)(b) in Manhattan.	§ 87(2)(g), § 87(4-b)
B.POF Crystal Jackson	Abuse: Police Officer Crystal Jackson frisked § 87(2)(b) § 87(2)(b)	§ 87(2)(g), § 87(4-b)
C.SGT Michael Straniere	Abuse: Sergeant Michael Straniere forcibly removed § 87(2)(b) § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

Case Summary

On October 26, 2018, § 87(2)(b) called the CCRB and filed the following complaint. On October 20, 2018, at approximately 3:00 p.m., Sergeant Michael Straniere, Police Officer Crystal Jackson, and additional officers from the 7th Precinct responded to § 87(2)(b) in Manhattan to investigate a report of § 87(2)(b) damaging property. Sgt. Straniere entered § 87(2)(b) § (Allegation A-Abuse of Authority, § 87(2)(g)) PO Jackson frisked § 87(2)(b) § (Allegation B-Abuse of Authority, § 87(2)(g)) Sgt. Straniere forcibly removed § 87(2)(b) to the hospital (Allegation C-Abuse of Authority, § 87(2)(g), § 87(4-b)) § 87(2)(b) was not issued any summonses or arrested as a result of the incident.

There is Body Worn Camera footage capturing the incident.

Findings and Recommendations

Allegation A- Abuse of Authority: Sergeant Michael Straniere entered § 87(2)(b) Apartment 2E, in Manhattan.

§ 87(2)(b) The residence is considered a single-room occupancy (SRO). § 87(2)(b) has been a resident at the § 87(2)(b) for several years. It is undisputed that after alleging the § 87(2)(b) employees tampered with her mail, § 87(2)(b) tore down posters in a hallway. It is undisputed that § 87(2)(b) the § 87(2)(b) director, called 911 and requested the presence of officers. Upon the arrival of officers, § 87(2)(b) informed Sgt. Straniere that he wanted § 87(2)(b) taken away for a psychological evaluation. Two Emergency Medical Technicians (EMTs) also responded to the scene. § 87(2)(b) was inside of her bedroom and was not verbally responding to the officers' requests to open her door. Sgt. Straniere requested a key to § 87(2)(b) bedroom and § 87(2)(b) provided the key. Sgt. Straniere was unable to put the key into the lock, and § 87(2)(b) took over. Upon the door being unlocked by § 87(2)(b) Sgt. Straniere pushed the door open, with the assistance of another officer, and entered into § 87(2)(b) bedroom and pulled her into the hallway.

§ 87(2)(b) testified (Board Review 1) and denied making any statements while the officers were knocking on her door. § 87(2)(b) denied making any threatening statements towards herself and others on the date of incident.

In his telephone statement (Board Review 21), § 87(2)(b) who is the § 87(2)(b) asked the officers to take § 87(2)(b) for a psychological evaluation. § 87(2)(b) informed the officers that § 87(2)(b) had a history of making threatening statements, but had not made any on that date. § 87(2)(b) presented no evidence of a current emergency to the officers. § 87(2)(b) stated that officers arrived, asked § 87(2)(b) to exit her bedroom, and § 87(2)(b) complied. § 87(2)(b) denied providing the officers the key to

§ 87(2)(b) bedroom. § 87(2)(b) denied that officers entered § 87(2)(b) bedroom. § 87(2)(b) denied that officers pulled § 87(2)(b) out of her bedroom.

Sgt. Straniere did not recall this incident and Body Worn Camera footage was played to aid in refreshing his recollection of the incident. Sgt. Straniere testified (Board Review 2) that the initial radio call listed § 87(2)(b) as a “violent EDP.” § 87(2)(b) then refused to exit her bedroom and Sgt. Straniere believed she might have been a “barricaded EDP.” Sgt. Straniere did not recall if he spoke to anyone, including § 87(2)(b) upon arrival to § 87(2)(b) Sgt. Straniere did not recall if there were any distressing sounds coming from § 87(2)(b) bedroom. When asked if there were any emergency circumstances involved, Sgt. Straniere stated that § 87(2)(b) was an “EDP,” and was “in need of medical distress.” Sgt. Straniere added that § 87(2)(b) bedroom door could be taken if necessary. Sgt. Straniere did not recall the origin of the key to § 87(2)(b) bedroom. Upon the door being opened via key, § 87(2)(b) voluntarily exited her bedroom. Sgt. Straniere did not recall if § 87(2)(b) was pulled out of her bedroom.

The lease agreement for § 87(2)(b) (Board Review 3) states that entry by the landlord must be based on reasonable notice, except in an emergency.

The Event (Board Review 4) indicated there was a female with mental history acting violently by destroying property and threatening staff members at a § 87(2)(b). There were no injuries or weapons involved.

Attached below is a subclip (Board Review 5) of Sgt. Straniere speaking to § 87(2)(b) regarding § 87(2)(b) state of mind. § 87(2)(b) tells Sgt. Straniere that § 87(2)(b) has a history of making violent statements to other residents and staff members, but no statements were made on this date. The bedroom door is opened by Sgt. Straniere, with the assistance of § 87(2)(b) and a key. In the clip, no sounds of distress are heard coming from § 87(2)(b) bedroom.



2019-01-14_10-58-59.mp4

(Sgt. Straniere’s BWC)

The right of people to be secure in their houses shall not be violated. The core of the Fourth Amendment stands in the right of a man to retreat into his own home and therefore be free from unreasonable governmental intrusion. The Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, a threshold may not reasonably be crossed without a warrant. Payton v. New York, 445 U.S. 573 (1979) (Board Review 6). Under the emergency doctrine, entry by officers’ entry must (1) be on reasonable grounds to believe that there is an emergency at hand and immediate need for their assistance for the protection of life or property, (2) the search must not be primarily motivated by intent to arrest and seize evidence, (3) there must be some reasonable basis, approximating the probable cause, to associate the emergency with the area or place to be searched. People v. DePaula, 179 A.D.2d 242 (2nd Dept.) (1992) (Board Review 7).

§ 87(2)(b), § 87(2)(g)

Allegation B- Abuse of Authority: Police Officer Crystal Jackson frisked § 87(2)(b)

It is undisputed that § 87(2)(b) was handcuffed after being removed from her bedroom.

§ 87(2)(b) testified (Board Review 1) that PO Jackson then frisked her.

Attached below is a subclip (Board Review 8) of PO Jackson frisking § 87(2)(b) PO Jackson tells § 87(2)(b) that she is going to search § 87(2)(b) However, it is unclear whether PO Jackson searches § 87(2)(b)



2019-01-14_10-11-55.mp4

(PO Zitomer's BWC)

Patrol Guide Procedure 221-13 (Board Review 9) states once a civilian has been restrained, and prior to being transported to the hospital via ambulance, officers must remove property that is dangerous to life or will aid escape. An officer may frisk an individual when he reasonably suspects that the individual is armed and dangerous. People v. DeBour, 40 N.Y.2d 2010 (1976) (Board Review 10).

§ 87(2)(b), § 87(2)(g)

Allegation C- Abuse of Authority: Sergeant Michael Straniere forcibly removed § 87(2)(b) to the hospital.

It is undisputed that after PO Jackson's frisk, § 87(2)(b) was escorted and placed inside an ambulance. § 87(2)(b) was removed to § 87(2)(b) Hospital for a psychiatric evaluation.

According to the narrative of § 87(2)(b) Medical Records (Privileged Documents), § 87(2)(b) was initially angry, but calmed down once she was provided with food and fluids. There were no signs of suicide, violence, or active psychosis. § 87(2)(b) was diagnosed with an adjustment disorder, which is defined as a group of symptoms, such as stress, feeling sad or hopeless, and physical symptoms that can occur after you go through a stressful life event.

Sgt. Straniere testified (Board Review 2) that he was not medically trained to make the determination whether § 87(2)(b) was an Emotionally Disturbed Person (EDP). After pausing the interview and consulting with counsel, Sgt. Straniere stated that "nothing stuck out to him" regarding § 87(2)(b) being an EDP. Sgt. Straniere did not witness § 87(2)(b) act in a violent manner. Sgt. Straniere did not recall at what point the EMT's evaluated § 87(2)(b) prior to her being removed to the hospital.

PO Kane's Body Worn Camera captured the entirety of Sgt. Straniere's interaction with § 87(2)(b) (Board Review 11). At no point prior to § 87(2)(b) being placed into the ambulance, does an EMT evaluate or even speak to § 87(2)(b). Additionally, Sgt. Straniere is not observed having a conversation with either EMT regarding § 87(2)(b).

Patrol Guide Procedure 221-13 (Board Review 9) defines an Emotionally Disturbed Person (EDP) as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. An individual damaging property would not necessarily constitute an immediate threat of serious physical injury or death.

§ 87(2)(b), § 87(2)(g)
[REDACTED]

§ 87(2)(b), § 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 16).
- PO Jackson has been a member-of-service for eight years and this is the first CCRB complaint to which she has been a subject (Board Review 17).
- Sgt. Straniere has been a member of service for 17 years and has been a subject in two CCRB complaints and seven allegations, none of which were substantiated. Sgt.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.

- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 19).
 - As of November 26, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 20).
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Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date